



General Assembly

January Session, 2009

Raised Bill No. 1128

LCO No. 4832

* ____SB01128ET____042909____*

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING INTERRUPTION OF TELECOMMUNICATIONS SERVICE, SCRAP METAL PROCESSORS AND MOTOR VEHICLE RECYCLERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-123 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) A person is guilty of larceny in the second degree when he
4 commits larceny, as defined in section 53a-119, and: (1) The property
5 consists of a motor vehicle, the value of which exceeds five thousand
6 dollars, (2) the value of the property or service exceeds five thousand
7 dollars, (3) the property, regardless of its nature or value, is taken from
8 the person of another, (4) the property is obtained by defrauding a
9 public community, and the value of such property is two thousand
10 dollars or less, [or] (5) the property, regardless of its nature or value, is
11 obtained by embezzlement, false pretenses or false promise and the
12 victim of such larceny is sixty years of age or older or is blind or
13 physically disabled, as defined in section 1-1f, or (6) the property,
14 regardless of its value, consists of wire, cable or other equipment used
15 in the provision of telecommunications service and the taking of such

16 property causes an interruption in the provision of emergency
17 telecommunications service.

18 (b) For purposes of this section, "motor vehicle" means any motor
19 vehicle, construction equipment, agricultural tractor or farm
20 implement or major component part of any of the above. In any
21 prosecution under subdivision (1) of subsection (a) of this section,
22 evidence of (1) forcible entry, (2) forcible removal of ignition, or (3)
23 alteration, mutilation or removal of a vehicle identification number
24 shall be prima facie evidence (A) that the person in control or
25 possession of such motor vehicle knows or should have known that
26 such motor vehicle is stolen, and (B) that such person possesses such
27 motor vehicle with larcenous intent.

28 (c) Larceny in the second degree is a class C felony.

29 Sec. 2. Subsection (a) of section 21-11a of the general statutes is
30 repealed and the following is substituted in lieu thereof (*Effective*
31 *October 1, 2009*):

32 (a) A scrap metal processor, as defined in section 14-67w, shall
33 record, for all loads of scrap metal purchased or received by such
34 processor, a description of such scrap metal, the weight of such metal,
35 the price paid for such metal and the identification of the person who
36 delivered such metal. Such scrap metal processor shall take a
37 photograph of the motor vehicle delivering such scrap metal,
38 including the license plate of such vehicle. Such scrap metal processor
39 shall not be required to segregate scrap metal it receives from other
40 materials on its premises and hold the same for five days except for
41 scrap equipment, wire or cable that could be used in the transmission
42 of telecommunications or data or the transmission or distribution of
43 electricity by an electric distribution company unless purchased from
44 (1) a person registered pursuant to section 29-402 to engage in the
45 business of demolition of buildings, or (2) a person who has already
46 segregated such scrap metal pursuant to this chapter and such person
47 provides such scrap metal processor with a written statement

48 affirming such segregation. Upon receipt of a load of scrap metal
 49 which contains wire that could be used in the transmission of
 50 telecommunications or data, such scrap metal processor shall take a
 51 photograph of the motor vehicle delivering such scrap metal,
 52 including the license plate of such vehicle, and of such load of scrap
 53 metal containing wire that could be used in the transmission of
 54 telecommunications or data. Upon receipt of scrap equipment, wire or
 55 cable that could be used in the transmission of telecommunications or
 56 data or the transmission or distribution of electricity by an electric
 57 distribution company, such scrap metal processor shall make a copy of
 58 the certificate of registration of such vehicle, [;] record a description of
 59 the material received, [;] and record a statement as to the location from
 60 which the material came.

61 Sec. 3. Section 14-67v of the general statutes is repealed and the
 62 following is substituted in lieu thereof (*Effective October 1, 2009*):

63 Any person, or any officer or agent of any firm or corporation, who
 64 establishes, operates or maintains a motor vehicle recycler's yard or
 65 motor vehicle recycler's business in any location within a restricted
 66 district created under the provisions of this subpart (H), or establishes,
 67 operates or maintains such yard or business without procuring such
 68 certificate of approval from the local authority or establishes, operates
 69 or maintains an intermediate processor in violation of any provision of
 70 this subpart (H), or transports or hauls any motor vehicle or used parts
 71 of a motor vehicle in violation of any provision of this subpart (H) or
 72 violates any provision of this subpart (H), shall be fined not more than
 73 one hundred dollars or imprisoned not more than ninety days or both.
 74 Each day of such establishment, operation or maintenance in violation
 75 hereof shall constitute a separate offense. The Commissioner of Motor
 76 Vehicles may, after notice and hearing, impose a civil penalty of not
 77 more than two thousand dollars on any person, firm or corporation
 78 [who] that establishes, operates or maintains such yard or business,
 79 uses the title "motor vehicle recycler" or advertises or holds itself out as
 80 a motor vehicle recycler without a license. In addition to the penalties
 81 herein prescribed, the Commissioner of Motor Vehicles or the local

82 authority, upon a violation of any of the provisions of this subpart (H),
83 may bring an application to the superior court for the judicial district
84 where such yard or business is located to enjoin a further operation or
85 maintenance of such yard or business and to abate the same as a public
86 nuisance. Said court may, upon finding such yard or business has been
87 established, operated or maintained in violation of the provisions of
88 this subpart (H), issue such injunction as it deems equitable and make
89 such order for the discontinuance or abatement of such yard or
90 business as a nuisance as it finds to be necessary, including
91 authorization to the Commissioner of Motor Vehicles to enter such
92 yard or business to eliminate, at the expense of the defendant, the
93 conditions which constitute the violation of any provision of this
94 subpart (H).

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	53a-123
Sec. 2	<i>October 1, 2009</i>	21-11a(a)
Sec. 3	<i>October 1, 2009</i>	14-67v

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Sec. 2	<i>October 1, 2009</i>	21-11a(a)
Sec. 3	<i>October 1, 2009</i>	14-67v

JUD *Joint Favorable*

ET *Joint Favorable*